

## OUSTED EMPLOYEE ACCUSES MITCHELL

### Burr Says He Was Re- moved for His "Death Avenue" Activities.

### MAYOR FROM BED GIVES HIS SIDE

### Ex-Counsel Polk Has Stormy Session Before Thompson Leg- islative Committee.

Mayor Mitchell was accused yesterday of having caused the dismissal of Assistant Corporation Counsel William P. Burr because he was active in pushing the removal of the New York Central tracks from Eleventh Avenue. The charges were made before the Thompson legislative committee by Mr. Burr himself, who also declared that since his removal from office nothing had been done by the city to make "Death Avenue" safe.

When Mayor Mitchell heard of the charges he at once branded them as false. When reporters reached Roosevelt Hospital they were not allowed to see him because, his nurse said, he was so excited over the charges that a relapse was feared.

"The true story is just the reverse of what Mr. Burr testified to," said ex-Corporation Counsel Polk. "Burr was let go because he was not active enough in getting those tracks off Eleventh Avenue. The first thing the Mayor told us when I took office was that we must get those tracks off. This I told Mr. Burr. But I must say now that in our office Mr. Burr was considered ineffective. Mayor Mitchell insisted on a new man, and his resignation was asked."

### Politics Not Concerned.

Mr. Polk was testifying before the committee on the Edison-Amsterdam light case when the question of Mr. Burr's dismissal came up. He denied that politics had anything to do with it, and when pressed by Deputy Attorney General Lewis, counsel to the committee, he said that it involved the New York Central Railroad.

"Did Mr. Burr represent the city in that case and was the Mayor dissatisfied with him?" Mr. Lewis asked.

"Yes," Mr. Polk answered.

Mr. Burr was sitting almost behind Mr. Polk. His face grew red and he twitched nervously. He could hardly wait until he got in the witness chair to vent his feelings.

"Now, I am glad to know why the Mayor removed me," he shouted. "I did not know until I had heard Mr. Polk's testimony here to-day that was the reason for my leaving the Law Department. It now appears that there being no objection to me officially or as to my character or in any other respect, my activity in the matter of the New York Central Railroad was the reason. The Eleventh Avenue litigation I consider one of the best things I ever did since I was admitted to the bar in 1879. I have always believed I would wear Mayor Mitchell's dismissal as a badge of honor, and now I am certain of it, having heard Mr. Polk's reason for my dismissal."

Mr. Burr declared he lost his place after he had given an opinion unfavorable to the railroad company concerning the ownership of four and one-half miles of land under water from Seventy-second Street to Spuyten Duyvil. He held that it belonged to the city.

"What did Mayor Mitchell have to do with that part of the situation?" Mr. Lewis asked.

"He was president of the Board of Aldermen and had the matter in charge as a member of a special committee. Subsequently he was elected Mayor," Mr. Burr replied.

### Polk Takes the Stand.

Mr. Polk came from Washington primarily to clear himself of certain charges in connection with the approval of the Public Service Commission of the sale of the 122 shares of Amsterdam Light stock to the Edison company. As he went on the witness stand he noticed Mr. Burr whispering to Mr. Lewis.

"Why don't you become associate counsel to the committee?" he shouted heatedly at Mr. Burr.

"I simply asked Mr. Lewis a question," said Mr. Burr. "I want you to understand that I am here at a great personal inconvenience."

"So am I," snapped Mr. Polk.

Soon Mr. Polk broke down again, this time in connection with the approval of the committee, just what he thought about him. This happened when the Senator referred to a letter which ex-Lieutenant Governor Skechan had sent to Commissioner Malthe asking him to take the approval of the sale of the 122 shares of Amsterdam Light stock into court if the commission did not grant the order for its purchase.

Coming back to the real purpose of the hearing Mr. Polk said he had never given Commissioner Malthe an opinion stating that the city's interests would be protected if the order of the Public Service Commission was approved. It is a clause specifically stating that the approval of the sale of the Amsterdam stock did not carry with it the approval of a merger also. He said, however, that after the order was issued the assistants had agreed to an opinion that the city's interests had not been affected by the order.

### Burr Gives His Story.

When Senator Thompson reminded Mr. Polk of the marked difference between what he and Mr. Malthe had recommended in connection with the matter, the State Department counselor said he did not know what Mr. Malthe's idea was in testifying as he did.

"I have no recollection about talking to him about the city's consent in the Amsterdam case," he added.

Mr. Burr later said he was given five days' notice of dismissal at a time when he was actively engaged in fighting for the city's interests in the Amsterdam case. Attorneys for the Edison company did not get active until he had been dismissed, he contended.

He was not consulted regarding the city's side when the case was before the Public Service Commission, he said, although he alone in the Corporation Counsel's office was familiar with it.

Mr. Malthe testified a few days ago that he had not voted for the order upon which he had as commissioner. He said that the city's interests were protected. Mr. Polk insisted yesterday he had never withdrawn his protest against the order.

## RARE OPERATION SAVES BABY

### Thin Abdominal Wall Threatened Death to New-Born Infant.

No sooner had Mrs. Rose Kalman, of 2666 Twenty-eighth Street, Coney Island, given birth to a son in the Beth David Hospital, at 113th Street and Lexington Avenue, Tuesday night, than Dr. Martin J. Loeb, who escorted the infant into the world, noticed that he had a peculiar defect in the formation of the abdominal wall, which might cause death at any moment. Within ten minutes he had the child on the operating table, and with the assistance of two colleagues, performed an unusual operation, which promises to save the child's life.

The infant's abdominal wall on each side was almost as thin as transparent membrane. The slightest cough or cry would have broken this membrane and caused the child's death. With Drs. Kessel and Shapiro, Dr. Loeb cut out the membrane and sewed the two sides of the wall together.

Last night, twenty-four hours after the operation, the child was in good condition, and it was believed that it would live.

## HIGHER SALARIES URGED BY WOODS

### Patrolmen and Captains Are Under- paid, He Tells Budget Committee.

The finance committee of the Board of Aldermen finished its hearings on the city budget for 1916, yesterday. It will report back to the Board Monday, but it is considered unlikely that the committee will make any recommendations at variance with the items as passed by the Board of Estimate.

Police Commissioner Woods told the committee that the worst paid men in the department were the first grade patrolmen, at \$1,400 a year, and the captains, who get \$2,750. He advocated a raise to \$1,500 at least for the patrolmen. Both these salaries are fixed by law. He also declared he would like to have the power to reward men for faithful service.

"There has been discussion on the Commissioner's power to punish," he said, "but what concerns us far more is his power to reward. I can attend to the punishment, but I can't reward. That is a bad feature. Men who give the city sixty minutes to the hour, often for many hours at a time, frequently in the public schools, in the discharge of their duty, and there is no way to reward them."

The Aldermen cannot increase salaries, but the committee agreed with the Commissioner and may make recommendations to that effect.

Acting Mayor McAneny and Controller Prendergast were asked by members of the committee about the allowance for the Board of Estimate's Apportionment. They were questioned about the \$10,000 a year salary allowance of William Wirt, of Gary, Ind., who has been establishing the Gary system in the public schools. Controller Prendergast explained that the position Mr. Wirt would hold amounted to nothing but a transfer from the Department of Education, where at present he is receiving the same compensation. He said that he had more than saved the city his salary even if it were five times the amount.

"I have the highest confidence in Mr. Wirt," said the Controller, "and I believe his appointment is one of the best investments ever made by the city."

## FINDING OF TWO BODIES TELLS TALE OF THEFT

### Police Say Men Fell Down Shaft After Stealing Silk.

The bodies of a negro and a white man, clasped in each other's arms, were found early yesterday morning at the bottom of an elevator shaft. The bodies were found in a building at 129 West Twenty-seventh Street. They were battered, as though from a long fall. Although every elevator door was closed, between the tenth and eleventh floors, the shaft was filled with \$500 worth of silk, taken from the Wearwell Waist Company, on the fifth floor. The men were identified as Robert Green, the negro elevator boy in the left building, and Jacob Jagendorf, an elevator operator in the right building, at 115 West Twenty-seventh Street.

Robert Dileon, an elevator man at that address, told the police Jagendorf had given him orders for carrying a big trunk to Green, which were found in one of his pockets.

Neither man had been home Tuesday night. It is believed by the police that they, with a third man, took the silk from the company's rooms and some loading it on the elevator when it started upward. One, according to the police theory, stepped into the shaft and, falling, dragged his companion down with him. Their accomplice, frightened, ran, closing the door.

## PIANO AND FUNERAL MYTH FULFILLED

### Instrument Falls and Horse Runs Away After Woman 'Phoned.

"I am superstitious," said a woman's voice over the telephone when the Lieutenant lifted the receiver at the West Forty-seventh Street station last night. "They are taking a piano and the third floor of No. 749 Tenth Avenue, and there is a funeral going on in the building at the same time. There are lots of children playing on the sidewalk and I am afraid something will happen. Won't you please send a policeman around here?"

Patrolman Louis Fick was sent to the Tenth Avenue address. He had scarcely arrived when, through the third floor window, emerged the piano. As it did a cable slipped and the instrument fell crashing to the sidewalk, ripping a cornice off the building, throwing the funeral party into a panic.

Before the excitement had died down a trolley car took two blocks north on Ninth Avenue, rammed a Salvation Army wagon. The driver, George Dixon, was hurled to the street uninjured. The horse ran away.

Dixon had no superstitious woman to warn him of his impending danger, but he attributed his escape to a higher office.

"The good Lord took care of His servant this Thanksgiving Eve," he declared.

"Amen," said the policeman.

## Baroness Fights U. S. Order to Deport Her Belgian War Baby



Jeanne Marie Proctor, fourteen months old, whose deportation has been ordered by the Board of Inquiry.

### "Her Mother Is Dead and I Want Her for My Own." Says Madame Proctor, as She Cares Infant on Ellis Island.

Jeanne Marie Proctor, the fourteen-month-old Belgian war baby, slept with her thumb tucked in her warm little mouth on a rough Ellis Island bed yesterday, unconscious of the efforts the Baroness Nadine von Kliffas Proctor was making to get possession of her and take her home for a real Thanksgiving.

Out in the hallway a music box was ticking off "The Blue Danube," and crowded around were shawled women and wondering-faced men. The baby, her cheeks slightly flushed, smiled in her sleep as Mrs. Mary Stanford, the superintendent of the office, Mrs. Stanford carrying Jeanne, was placed on the superintendent's desk and immediately started to cry. L. C. Stewart, acting superintendent, Mrs. Stanford, the Baroness and Professor Nacarat joined in efforts to quiet the child. Finally a bright smile lighted the tear smudged face, and the picture was taken.

As soon as this had been done the Baroness signed an appeal from the order to deport Jeanne. If the authorities at Washington decide favorably upon her application, the baby will be able to go to her new mother's home to-morrow.

"It is so stupid," said the Baroness. "She is my baby. I know her mother is dead, and that's all there is to it. I will take the best care of the darling little one. It is all foolishness of the board of inquiry to say Jeanne might become a public charge. Why should I have all the worry and trouble of getting her over here if I did not love her and want her for my very own? I do pray that she will forget the way America has allowed to welcome her, a Belgian war baby."

New York Orthopedic Hospital at 125, where fifty crippled children are patients, and the Lighthouse, at 111, where there are many blind. "It started on the second or third floor. Damage probably \$50,000. I guess that's all there is to it."

But it was not all. What Lieutenant Moje and the Liechten family want to know this Thanksgiving morning is—"Who got away with Clarence?"

## FIVE FIREMEN HURT; TURKEY IS SAVED

### Tenant of Devery Building Car- ried to Safety—Rescued Fowl Disappears.

Five firemen were hurt, two seriously, in a fire which swept through a five-story brownstone building owned by ex-Chief of Police William Devery at 118 East Fifty-ninth Street yesterday. They are:

Lieutenant Clotus J. Nelson, Engine Company 39, burned about neck; taken to Flower Hospital.

Vincent Maggio, Engine Company 8, burns and lacerations; Flower Hospital.

Lieutenant Gustav Moje, Engine Company 8, slight.

William Frush, Engine Company 39; slight.

Thomas Meehan, Engine Company 8; slight.

One man, Zverine Komina, who was asleep in the fourth story, was carried across a five-foot plank into the adjoining building by William Baessler, clerk in the book store of J. H. Boettger, at No. 129.

Enters now a turkey, name Clarence, weight, fourteen pounds; home, Tarrytown, N. Y. It was his first day in the city, and his owner, Det. Liechten, eighteen years old, whose father, Solomon, has a tailoring establishment in the building, had tied his feet. Streams of water poured into the basement and Clarence squawked and flapped his wings.

Just as the water reached Clarence's neck Lieutenant Moje splashed into the room and made a dive for the bird. Clarence gobbled his gratitude as he was carried from the building under the lieutenant's arm.

Battalion Chief Graham said it was a good little fire.

"Nightmare made some trouble," he admitted, waving his hand toward the

## WILSON TO ASK HEAVIER TAXES

### Yields to Leaders and Will Recommend Means to Meet Deficit.

### PLAN FOR PANAMA BONDS DROPPED

### Defence Need Relied On by the Democrats to Excuse Imposts —Message Almost Finished.

(From The Tribune Bureau.)

Washington, Nov. 24.—President Wilson has decided to yield to the demands of Democratic leaders in Congress and recommend specific means to meet the steadily growing deficit and the additional cost of national defense, it was reported to-day in circles close to the administration. It is said that his message will contain some discussion of this question, but that he will avoid detailed recommendations which might be considered to infringe on the prerogatives of Congress.

In general, it is understood, the President will declare for an increase of various internal taxes and the imposition of new ones, and oppose any changes in the tariff. The original plan of the administration to meet the financial needs by the issue of Panama Canal bonds has met such vigorous opposition that apparently it has been abandoned, at least for the present.

There are indications that it is still held in reserve as a serious trouble is found in framing tax measures. Some of the older Democrats remember vividly the result of the bond issue in the Cleveland administration. They believe it better to meet the opposition which taxation is sure to arouse than to attempt to provide an acceptable excuse for bonds.

The administration plans to explain that the new taxes are made necessary largely by the demands of preparedness, and to a slight extent by the falling off in customs revenues, due to the war. Every effort will be made to cover up the Treasury deficit following the lines taken by Secretary McAdoo when he issued a new form of Treasury statement which added overnight some \$80,000,000 to the nominal "balance on hand," although there was not the slightest real improvement in the Treasury's condition.

It is fervently hoped that the plea that "if the country wants defense it must pay for it," will carry the day with the public.

## FALSE LABEL COSTS MEDICINE MAN \$100

### Health Department Wins Victory in Decision Against "Cure."

George W. Felter, secretary of the Greenpoint Savings Bank and manufacturer of "Dr. Felter's Kidney Pills," was fined \$100 by Justices McInerney, Garvin and Kernochan in the Court of Special Sessions yesterday for violating the Food and Drug Act.

"Big G" Holds Annual Ball.

The annual ball of Typographical Union, No. 6, known as "Big Six," throughout the trade, was held last night at Sulzer's Harlem Casino. The profits of the dance were devoted to the hospital fund of the union. President Leon H. Rouse led the grand march at midnight.

## COHAN'S FIGHTING FOR FRANCE

### THE GREATEST WAR FILM EVER PRESENTED

### Special Taken for the Official Files of the French War Dept.

ORCHESTRA AND BALCONY, 50c. 2d BALCONY, 25c; BOX SEATS, 1c.

## FULTON THEATRE

### ROD & JULIET

### PLAYHOUSE

### GRACE GEORGE

### THE LIARS

### THE ETERNAL MAGDALENE

### ABE AND MAWRUSS

### QUINNEYS

### HOBBSON'S CHOICE

### THE UNCHASTEN WOMAN

### ALONE AT LAST

### E. SOTHERN

### THE BLUE PARADISE

### GERALDINE FARRAR

### TO-NIGHT

### TO-NIGHT

### TO-NIGHT

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### Annulment Suit by Husband's Parents Surprised to Her, Says Stage Girl.

"I am 5 feet 6 inches tall. I am a pony, and ponies are hard to get."

This description of herself was given in the Supreme Court yesterday by Mrs. Dorothy Gates Herrman, whose husband is Philip Herrman, eighteen years old. Mr. and Mrs. James S. Herrman, parents of the young man, apparently think that it is much more trouble to get rid of a pony than it is to acquire one. Whether they have succeeded in doing so Justice Gavegan will decide, following the trial of the annulment suit brought in Herrman's behalf by his father and mother.

Herrman was seventeen years old and attending Pawling School when he met Miss Gates, who was then eighteen, and as she said, a pony in the chorus of "Watch Your Step," which title meant nothing to Herrman, according to his parents. She was referred to as a show girl. But she explained, show girls are tall, statuesque young women. Mrs. Herrman is petite and has blonde hair, which is cut on the bobbed style. Young Herrman met her present wife in a restaurant at West Forty-fifth Street, where she was chaperoned by Mrs. Raymond Belmont, daughter-in-law of August Belmont, formerly Miss Ethel Lorraine, with whom she occupies an apartment at 245 West Fifty-first Street.

When Philip threatened to kill himself unless she married him, his wife says she saved his life. "Philip was very much in love with me," she said yesterday. "He begged me to marry him sixty times to marry him. He threatened to kill himself if I did not marry him, so I did just to save him."

Without the knowledge or consent of Herrman's parents they were married. Philip being under the legal age, his parents began the suit to annul the marriage when they learned of it.

Young Mrs. Herrman seemed much surprised that the suit to separate her from her husband should be brought, because, she said, the elder Herrman kissed her when he learned of the marriage.

"Mr. McIntyre says you have a pull with the police," she said. "I was once a gambler," Mr. Davis was told.

## MOTHER'S "MAD"; EUGENIA'S GLAD

### Lingerie Raid Enrages Opposi- tion, While Bride, Undaunted, Plans a New One.

The Kelly-Davis tango-matrimonial controversy reached a state of perplexity yesterday afternoon. Mrs. Helen M. Kelly was just as perfectly mad as she could be, and Mrs. Eugenia Davis and Al were perfectly happy. And the tango was in a perfect state of reflected emotions.

Eugenia, it will be remembered, laid siege to her mother's apartment with a writ of replevin, an army of officers of the law, a host of taxicabs, and her husband last Tuesday afternoon and captured various essential bits of lingerie. Unless the court decides against her, she will soon have enough clothes, and to make matters more complete, her mother is in such a state of mind that she cannot of will not say anything about the case, even for the newspapers.

"I can't imagine," said John F. McIntyre, who is Mrs. Kelly's attorney, "how this Al Davis gets all the pull with the Police Department, except that he is a former gambler." Mr. McIntyre was fully wrathful and announced that he was about to file complaints to the Mayor and the Police Commissioner charging the police marshal and the officer who assisted in the raid with exceeding their authority. The complaints had not been received yesterday afternoon.

Mr. and Mrs. Davis were found at the Hotel Nederland just as they were returning from a ride. Both of them were anxious to hear what "mother" and her attorney had to say for them and they expressed their indignation at the raid which was told that the opposition was mad—simply roaring mad.

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## NEW YORK'S LEADING THEATRES AND SUCCESSORS.

### EMPIRE, Broadway, 43rd St. To-day, Sat. & Sun. JOHN DREW. "THE CHIEF." LUCEY, 45th St. To-day, Sat. & Sun. ETHEL BARRYMORE. "MICHIGEN." HARRIS. West 42d St. To-day, Sat. & Sun. SPECIAL HOLIDAY MAT. TO-DAY.

### ROLLING STONES. HUDSON West 44th St. To-day, Sat. & Sun. SPECIAL HOLIDAY MAT. TO-DAY.

### UNDER FIRE. ELTING West 43d St. To-day, Sat. & Sun. SPECIAL HOLIDAY MAT. TO-DAY.

### FAIR AND WARMER. CAIETY, Broadway, 46 St. To-day, Sat. & Sun. LAST 6 "YOUNG AMERICA" TIMES.

### LEODITRICHSTEIN. BELASCO West 44th St. To-day, Sat. & Sun. MATINEE TO-DAY AT 2 P.M.

### THE BOOMERANG. BURTON HOLMES. CANDLE. THEA. W. 42 St. SUN. EVE. AT 8.30.

### METROPOLITAN OPERA HOUSE. To-day, 7:30 P.M. Mat. at 2 P.M. Sunday, 2:30 P.M. To-day, 7:30 P.M. Mat. at 2 P.M. Sunday, 2:30 P.M.

### PALESTINE PAGEANT and ORIENTAL EXHIBITION. Grand Central Palace, Lexington Ave. & 46th Street. A true representation of the streets of Jerusalem and life in the Holy Land.

### SYMPHONY. Society of New York. WALTER DAMROSCH, Conductor. NEXT SUN. EVE. NOV. 28, AT 8.

### PHILHARMONIC. SOCIETY OF NEW YORK. JOSEF STRANSKY, CONDUCTOR. To-morrow (Fri.) At 8:30. Carnegie Hall. PERCY GRANGER. Schumann, R. Strauss, Debussy, Dargomyski. Next Sunday Afternoon at 3.

### MELANIE KURT. Tickets at box office. Carnegie Hall.

### ELMENDORF. SUNDAY NIGHT AT 8:30. MONDAY MATINEE AT 2:30.

### SPALDING. Acollan Hall, To-morrow, at 3 P. M.

### IRVING PL. THEATRE. To-day, 7:30 P.M. To-morrow, 2:30 P.M. To-day, 7:30 P.M. To-morrow, 2:30 P.M.

### WASHINGTON ST. PLAYERS. ALL COMEDY BILL EVERY NIGHT.

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